

9 FAM 42.52 Procedural Notes

9 FAM 42.52 PN1 Preparing Form OF-224 or Form OF-224B, Immigrant Visa Control Card

9 FAM 42.52 PN1.1 Preparing Form OF-224

(TL:VISA-61; 6-5-92)

Posts shall prepare the single card, Form OF-224, when satisfied from the evidence received that an alien is entitled to an immigrant classification not subject to numerical controls, such as immediate relatives and returning residents.

9 FAM 42.52 PN1.2 Preparing Form OF-224B

(TL:VISA-61; 6-5-92)

Posts shall prepare the triplicate version of Form OF-224B when it is determined that an alien is entitled to an immigrant classification subject to numerical limitations. The blue and yellow copies of Form OF-224B are to be used for the post's numerical control system.

9 FAM 42.52 PN1.3 Annotating Form OF-224 or Form OF-224B

(TL:VISA-61; 6-5-92)

a. Posts shall always place the principal alien's name first on the card. If the principal alien is a woman using a married name, the maiden name is also to be listed.

b. Posts shall enter the names of the spouse and children under the name of the principal alien. A separate blue Form OF-224A, Cross Reference, is also to be prepared for the family members of a principal alien who will precede the family, and for any family members who are chargeable to a different foreign state (as defined in section 9 FAM 40.1) from the principal alien.

c. Posts shall always write the priority date on the front of Form OF-224B. All priority dates of all preference categories established by the Immigration Act of 1990 are based on the filing date of the petition. [See section 9 FAM 42.63 PN5.1-1.]

d. Posts shall place a red star on the front of the white card in Congressional interest cases.

e. Procedures for entering case and applicant data in IVACS are described in the IVACS User Reference Manual.

9 FAM 42.52 PN2 Filing of Forms OF-224 or OF-224B

9 FAM 42.52 PN2.1 Form OF-224

(TL:VISA-61; 6-5-92)

Posts should file Form OF-224 cards in the consolidated (alphabetical) card file. IVACS posts do not file control cards since records are automatically filed in the System. [See IVACS User Reference Manual.]

9 FAM 42.52 PN2.2 Form OF-224B

(TL:VISA-84; 9-15-93)

Posts should file Form OF-224B cards as follows:

a. If the information initially available to the post is too incomplete to determine foreign state chargeability or the number and names of family members who might accompany or follow to join the principal alien, posts should staple the cards together and maintain them in the consolidated card file until the alien submits Form OF-203I, Application for Immigrant Visa and Alien Registration, Part I, Biographic Data, and the cards can be completed. After completion posts should separate the cards, leaving the white copy in the consolidated card file.

b. If Form OF-224B was prepared on the basis of receipt of an approved petition for a preference status, posts should staple the blue and yellow copies together and file them in the chronological file for the applicant's foreign state under the appropriate category. [See 9 FAM 42.52 PN3.2 below regarding potential future use of the yellow copy.]

9 FAM 42.52 PN3 Subsequent Case Actions

9 FAM 42.52 PN3.1 Card or IVACS Contains Record of All Processing Steps

(TL:VISA-61; 6-5-92)

All actions taken in processing the case must be entered on Form OF-224 or Form OF-224B or recorded in IVACS. [See section 9 FAM 42.63 PN4 through 9 FAM 42.52 PN9.]

(1) The dates on which packets or documents are sent or received are to be noted on all cards or in IVACS as appropriate.

(2) The dates and results of all clearance actions are to be noted on the reverse side of the white card only or in IVACS. If a child over the age of 16 is included on the parent's card, the clearance actions taken in the child's case are to be indicated separately under the block for spouse clearances. If derogatory information is received, a red pencil line is to be drawn diagonally across the front of the white card.

(3) If an advisory opinion is requested, a notation is to be placed on one of the blank clearance lines.

(4) Instructions for updating IVACS are included in the IVACS User Reference Manual.

9 FAM 42.52 PN3.2 Alien Entitled to More Than One Classification

(TL:VISA-61; 6-5-92)

If an applicant becomes entitled to more than one immigrant classification, both classifications should be noted on the white card. The blue and yellow copies of Form OF-224B originally prepared should be separated and each marked to show the appropriate cross-reference, the blue returned to its original file, the yellow then modified to show the priority date of the second classification and placed in the chronological file under the additional category.

9 FAM 42.52 PN3.3 Breakdown of Chronological Files

(TL:VISA-61; 6-5-92)

The chronological file (blue and/or yellow cards) is to be subdivided into the following groups:

(1) "Entitled to Classification," for those to whom Packet 3 has not been sent;

(2) "Notified," for those to whom Packet 3 has been sent within the past year;

(3) "Documentarily Qualified," for those who have reported that they have their documents and the post has completed clearances;

(4) "Reported Qualified," for those whose priority dates have been included in a monthly report (VISAS WHALE cable or IVACS report 20) to the Department of documentarily qualified applicants;

(5) "Appointments," for those for whom appointments have been scheduled; and

(6) "Inactive" [see PN3.9 below for discussion].

9 FAM 42.52 PN3.4 When Qualifying Date Reaches Priority Date

(TL:VISA-61; 6-5-92)

When an alien's priority date is earlier than the qualifying date established by the Department [see section 9 FAM 42.55 PN1.1] and if it is not necessary to have a labor certification revalidated, Packet 3 should be sent promptly to the alien. The date of this action should be entered on the white and chronological copies of Form OF-224B, and the chronological card moved to the "notified" group. If the applicant is classifiable in more than one category, only the card for each classification in which the applicant's priority date is earlier than the qualifying date should be annotated, noted and moved. [See section 9 FAM 42.63 PN5.] When an alien not subject to numerical limitations is sent Packet 3, the date should be entered on Form OF-224.

9 FAM 42.52 PN3.5 When Alien Has Required Documents

(TL:VISA-61; 6-5-92)

When an applicant notifies the post that the applicant is prepared to present the required documents, post shall enter the date on Form OF-224 or Form OF-224B cards. Chronological card(s) should be moved to the "documentarily qualified" group if the post has completed clearances.

9 FAM 42.52 PN3.6 Reporting Priority Date to Department

(TL:VISA-61; 6-5-92)

Post shall include the priority dates of all applicants who have become documentarily qualified since the previous report in the post's monthly report of documentarily qualified demand. [See section 9 FAM 42.55 N1.1.] All Forms OF-224B are to be annotated to indicate the date of the report on which this was done and the chronological card(s) moved to the "reported qualified" group.

9 FAM 42.52 PN3.7 Visa Number Received

(TL:VISA-61; 6-5-92)

When visa numbers are received:

- (1) Appointments are to be scheduled in the chronological order of the documentarily qualified applicants;
- (2) The appointment date shall be entered on all Form OF-224B cards;
- (3) The chronological card(s) shall be moved to the “appointments” group; and
- (4) If a different classification card for the applicant remains in the “entitled to classification” group because of a lag in the qualifying date, that card is to be withdrawn and stapled to the blue chronological card relating to the appointment until the visa is issued or refused.

9 FAM 42.52 PN3.8 Appointment for Alien Not Subject to Numerical Limitations

(TL:VISA-61; 6-5-92)

When an appointment date is scheduled for an alien not subject to numerical limitations, the post shall enter the appointment date on Form OF-224.

9 FAM 42.52 PN3.9 Inactive Card File

(TL:VISA-61; 6-5-92)

a. Posts shall place the chronological cards for applicants falling within the following categories in a separate “inactive” group arranged by foreign state and preference category:

- (1) Applicants who were furnished Packet 3 but have not responded within 1 year;
- (2) Applicants who established entitlement to status but subsequently lost entitlement, but not priority date, for any reason (for example, change in law or regulation, or termination of relationship), and have not reestablished a basis for status;
- (3) Applicants who failed to apply for an immigrant visa on the scheduled appointment date and did not otherwise respond to the appointment notification (these cards are to be retained in the “inactive” group for 1 year only) [(See also section 9 FAM 42.83.]; and

(4) Applicants who have been formally interviewed and refused visas under INA 221(g) (these are to be retained in the “inactive” group for 1 year only). [(See also section 9 FAM 42.83.)]

b. When cases in the “inactive” group are reactivated, the chronological cards are to be relocated to whichever group is appropriate.

9 FAM 42.52 PN3.10 Terminating Registration

(TL:VISA-61; 6-5-92)

See section 9 FAM 42.83 Notes and 9 FAM 42.52 Procedural Notes regarding termination of registration which becomes effective if the applicant has not applied or responded to Packet 4 or 4(a) within 1 year, or fails to present evidence purporting to overcome the basis of an INA 221(g) refusal within 1 year.

9 FAM 42.52 PN3.11 Final Action

(TL:VISA-61; 6-5-92)

When final action is taken, that is, the visa is issued or is formally refused under INA 212(a) without an apparent basis for the applicant to overcome such ineligibility, posts shall make the appropriate notation on Form OF-224 or Form OF-224B in the space provided, the white card marked for disposition in accordance with current instructions, and the chronological cards destroyed.

9 FAM 42.52 PN3.12 Transferring Case to Another Post

(TL:VISA-61; 6-5-92)

When a case is transferred to another post, posts shall include all cards in the case file. A single white card marked “Transferred” is to be prepared as a replacement card and the names, places and dates of birth of all family members, classification, foreign state chargeability, and priority date are to be entered, as well as the date of transfer and the post to which transferred. The replacement card is to be marked for destruction 16 months after the date of transfer.

9 FAM 42.52 PN4 Caution Against Removing Form OF-224 or Form OF-224B From Consolidated Card File

(TL:VISA-3; 8-30-87)

Under no circumstances may a Form OF-224 or Form OF-224B be removed from the consolidated card file unless a Form OF-231, Card Index Charge-Out Card, has been inserted in its place.

9 FAM 42.52 PN5 IVACS Procedures

(TL:VISA-61; 6-5-92)

Posts with IVACS should follow the instructions for IVACS in all of the above operations. [See the IVACS User Reference Manual for more detailed IVACS procedures.]

